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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/749,652
Filing Date: December 31, 2003
Appellant(s): MYKA ET AL.

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Richard D. Emery
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 6/25/2007 appealing from the Office action mailed 1/12/2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Grosvenor et al. ('Grosvenor' hereinafter) (Publication Number 20030021591),
Burr (Publication Number 2004/0203797).

(9) Grounds of Rejection

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 14-33 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The cited claims do not produce a useful, concrete and tangible result.

Claims 14-33 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims do not recite a practical application by producing a physical transformation or producing a useful, concrete, and tangible result. To perform a physical transformation, the claimed invention must transform an article or physical object into a different state or thing. Transformation of data is not a physical transformation. A useful, concrete, and tangible result must be either

specifically recited in the claim or flow inherently therefrom. To be useful the claimed invention must establish a specific, substantial, and credible utility. To be concrete the claimed invention must be able to produce the same results given the same initial starting conditions. To be tangible the claimed invention must produce a practical application or real world result. In this case the claims fail to perform a physical transformation because the claims are directed to operating on data. The claims are useful and concrete, but they fail to produce a tangible result because no result is stored to non-volatile media or made tangible by, for example, returning a result to a user.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 14-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Grosvenor et al. ('Grosvenor' hereinafter) (Publication Number 20030021591).

As per claim 14, Grosvenor teaches

A method for wireless bonding of devices and communicating media file transfer parameters, the method comprising: (see abstract and background)

monitoring, at a master device, an area of interest for the presence of potential bondable devices; receiving, at the master device, a presence signal from a potential bondable device; (paragraph [0055])

determining bond capability of the potential bondable device; (compatible cameras, paragraph [0056])

approving the potential bondable device as a bonded device; (synchronizing, paragraph [0056])

and communicating, from the master device to the bonded device, media file transfer parameters, including definition of the media file metadata that is to be included with a captured media file. (paragraphs [0067]-[0068])

As per claim 15, Grosvenor teaches

communicating, from the master device to the bonded device, media file transfer parameters occurs during the bond approval process (id and time passed new cameras which are thus synchronized, paragraph [0065]).

As per claim 16, Grosvenor teaches

communicating, from the master device to the bonded device, media file transfer parameters occurs after the bond approval process. (reference codes, paragraphs [0106]-[0111])

As per claim 17, Grosvenor teaches

communicating, from the master device to the bonded device, media file transfer parameters, further includes one or more destination addresses for communicating captured media files. (address of repository, paragraph [0100])

As per claim 18, Grosvenor teaches

communicating, from the master device to the bonded device, media file transfer parameters, further includes one or more destination addresses for communicating captured media files, wherein at least one of the destination addresses is the master device address. (paragraph [0100])

As per claim 19, Grosvenor teaches

communicating, from the master device to the bonded device, media file transfer parameters, further includes one or more destination addresses for communicating captured media files, wherein at least one of the destination addresses is an intermediary device address. (paragraph [0100])

As per claim 20, Grosvenor teaches

determining a bond capability of the potential bondable device occurs at the master device. (paragraph [0066])

As per claim 21, Grosvenor teaches

determining a bond capability of the potential bondable device occurs at the potential bondable device. (paragraph [0098])

As per claim 22, Grosvenor teaches
approving the potential bondable device for bonding occurs at the master device.
(paragraph [0066])

As per claim 23, Grosvenor teaches
approving the potential bondable device for bonding occurs at the potential bondable device. (paragraph [0098])

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the Office presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the Office to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-13,34,36-53,55,57-68 are rejected under 35 U.S.C. 103(a) as being unpatentable Grosvenor et al. ('Grosvenor' hereinafter) (Publication Number 2003/0021591) in view of Burr (Publication Number 2004/0203797).

As per claim 1, Grosvenor teaches

A digital device, the digital device comprising: (see abstract and background)

a data processor: a communication transceiver in communication with the data processor that is capable of monitoring an environment and receiving communications from one or more devices in the environment; (first users camera, paragraph [0054])

a computer program product comprising a computer-readable medium and computer-readable program instructions stored in the computer-readable medium and comprising: (paragraph [0016])

a bonding application code that is executed by the data processor for bonding the digital device to one or more devices in the environment and recording sharing information received from the one or more bonded devices and information related to the users of the one or more bonded devices; (synchronizing cameras to repository and transferring data from cameras to repository, paragraphs [0066]-[0067])

a media transfer application code that is executed by the data processor for providing media file transfer parameters, the parameters including instructions to

communicate captured media files with a specified set of metadata included in the communication; (synchronize and transfer photographs with time taken to repository, paragraph [0067])

and a memory unit that is in communication with the data processor and configured to stores the information recorded by the bonding application as bonded device metadata information. (picture and time taken stored as reference code, paragraph [0067])

Grosvenor does not explicitly indicate “the sharing information providing information about how to share collected media files with the bonded device”.

However, Burr discloses “the sharing information providing information about how to share collected media files with the bonded device” (device in subnetwork may shares its input/output capacity, paragraph [0034]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Grosvenor and Burr because using the steps of “the sharing information providing information about how to share collected media files with the bonded device” would have given those skilled in the art the tools to improve the invention by communicate with other devices on a wireless network. This gives the user the advantage of being able to share data with other users.

As per claim 2, Grosvenor teaches

a wherein the communication transceiver is configured to receive from the one or more bonded devices media files having associated media file metadata information.
(paragraphs [0067]-[0068])

As per claim 3, Grosvenor teaches

a display and the computer-readable program instructions further comprising a grouping application code, wherein the grouping application code is executed by the processor and provides for display of a group mode menu structure that allows a device user to define a group event. (paragraph [0057])

As per claim 4, Grosvenor teaches

the grouping application code further provides for creation of a group file related to the group event, the group file for providing storage for media files associated with the event. (paragraph [0059])

As per claim 5, Grosvenor teaches

the grouping application code further provides for display of a group mode menu structure that allows a device user to communicate stored media files and media file metadata information to one or more bonded devices. (paragraph [0057])

As per claim 6, Grosvenor teaches

the grouping application code further provides for display of a group mode menu structure that allows a device user to select an automatic communication mode that automatically communicates, upon receipt, media files and media file metadata information to one or more bonded devices in accordance with the sharing information. (paragraph [0075])

As per claim 7, Grosvenor teaches
a metadata correlation application code executed by the data processor for combining the received media file metadata information with the bonded device metadata information. (paragraph [0069])

As per claim 8, Grosvenor teaches
the communication transceiver is configured to communicate the one or more received media files and the combined metadata to one or more remote devices. (paragraph [0067])

As per claim 9, Grosvenor teaches
the communication transceiver communicates the one or more received media files and the combined metadata to one or more remote devices according to one or more remote device addresses stored as bonded device metadata information. (paragraph [0100])

As per claim 10, Grosvenor teaches
the media transfer application code further provides for the media file transfer parameters to be communicated to the one or more bonded devices. (paragraph [0094])

As per claim 11, Grosvenor teaches
the media transfer application code that provides for media file transfer parameters to be communicated to the one or more bonded devices further defines the media file transfer parameters as including instructions for transmitting media files captured at the one or more bonded devices. (paragraph [0099])

As per claim 12, Grosvenor teaches
a media file collection application code executed by the data processor for organizing media files received from the one or more bonded devices according to the media file metadata information. (paragraph [0060])

As per claim 13, Grosvenor teaches
the communication transceiver is further defined as a short-range communication transceiver. (paragraph [0062])

As per claim 24, Grosvenor teaches

A method for communicating media files and associated media file metadata from a bonded device to a master device, the method comprising: (see abstract and background)

and communicating a plurality of media files from the one or more bonded devices to the master device, (synchronize and transfer photographs with time taken to repository, paragraph [0067]) the plurality of media files having metadata information as defined by the predetermined media file transfer parameters. (picture and time taken stored as reference code, paragraph [0067])

Grosvenor does not explicitly indicate “bonding one or more slave devices to a master device according to predetermined media file transfer parameters communicated to the slave device from the master device”.

However, Burr discloses “bonding one or more slave devices to a master device according to predetermined media file transfer parameters communicated to the slave device from the master device” (device in subnetwork may shares its input/output capacity, paragraph [0034]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Grosvenor and Burr because using the steps of “bonding one or more slave devices to a master device according to predetermined media file transfer parameters communicated to the slave device from the master device” would have given those skilled in the art the tools to improve the invention by communicate with other devices on a wireless network. This gives the user the advantage of being able to share data with other users.

As per claim 25, Grosvenor teaches
combining, at the master device, the metadata information of the plurality of
media files into a master media file. (paragraph [0067])

As per claim 26, Grosvenor teaches
combining, at the master device, the metadata information of the plurality of
media files into a master metadata file. (paragraph [0067])

As per claim 27, Grosvenor teaches
communicating the master media file to one or more of the slave devices.
(paragraph [0067])

As per claim 28, Grosvenor teaches
communicating the master media file to one or more non-bonded devices.
(paragraph [0067])

As per claim 29, Grosvenor teaches
recording, at the master device, metadata information related to the one or more
bonded devices. (paragraph [0073])

As per claim 30, Grosvenor teaches

correlating, at the master device, the bonded device metadata information with the media file metadata information. (paragraph [0082])

As per claim 31, Grosvenor teaches

A method for communicating media files and associated media file metadata from a master device to a bonded device, the method comprising: (see abstract and background)

bonding one or more remote devices to a master device according to predetermined media file transfer parameters; recording, at the master device, bonded device metadata information; (automatically, paragraph [0075])

receiving a media file at the master device from one or more of the bonded remote devices, the media file having associated media file metadata information; (synchronize and transfer photographs with time taken to repository with picture and time taken stored as reference code, paragraph [0067])

Grosvenor does not explicitly indicate “bonding one or more remote devices to a master device according to predetermined media file transfer parameters; recording, at the master device, bonded device metadata information”, “and communicating the media file, the media file metadata and the bonded device metadata information from the master device to one or more of the bonded devices or to another remote device”.

However, Burr discloses “bonding one or more remote devices to a master device according to predetermined media file transfer parameters; recording, at the master device, bonded device metadata information” (device in subnetwork may shares

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its input/output capacity, paragraph [0034]), "and communicating the media file, the media file metadata and the bonded device metadata information from the master device to one or more of the bonded devices or to another remote device" (devices connect through intervening devices and share data, paragraphs [0029],[0032]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Grosvenor and Burr because using the steps of "bonding one or more remote devices to a master device according to predetermined media file transfer parameters; recording, at the master device, bonded device metadata information", "and communicating the media file, the media file metadata and the bonded device metadata information from the master device to one or more of the bonded devices or to another remote device" would have given those skilled in the art the tools to improve the invention by communicate with other devices on a wireless network. This gives the user the advantage of being able to share data with other users.

As per claim 32, Grosvenor teaches

combining, at the master device, the bonded device metadata information and the media file metadata information. (paragraph [0067])

As per claim 33, Grosvenor teaches

bonding one or more remote devices to a master device according to predetermined media file transfer parameters further defines the predetermined media file transfer parameters as including criteria for bonding a device. (paragraph [0075])

As per claim 34, Grosvenor teaches

A system for communicating media files and assembling a collection of associated media files, the system comprising: (see abstract and background)

a master device that monitors an environment for slave devices and includes: a processor that executes a bonding application code to bond the master device to one or more slave devices, (repository, paragraph [0067])

a memory device in communication with the processor that stores metadata information related to one or more slave devices and the users of the one or more slave devices, (camera specific information stored, paragraph [0067])

and a computer program product comprising a computer-readable medium and computer-readable program instructions stored therein, the computer-readable program instructions comprising a media transfer application code that provides media file transfer parameters that include instructions for creation of media file metadata information; (synchronize and transfer photographs with time taken to repository with picture and time taken stored as reference code, paragraph [0067])

Grosvenor does not explicitly indicate “and one or more slave devices that are bonded to the master device by successful execution of the bonding application code, wherein the one or more slave devices capture media files and communicate the captured media files to one or more devices that include a processor and a computer program product comprising a computer-readable medium and computer-readable program instructions stored therein with the computer-readable program instructions

comprising a media file collection application code for communicating the collection of media files to one or more devices”.

However, Burr discloses “and one or more slave devices that are bonded to the master device by successful execution of the bonding application code, wherein the one or more slave devices capture media files and communicate the captured media files to one or more devices that include a processor and a computer program product comprising a computer-readable medium and computer-readable program instructions stored therein with the computer-readable program instructions comprising a media file collection application code for communicating the collection of media files to one or more devices”. (devices connect through intervening devices and share data, paragraphs [0029],[0032])

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Grosvenor and Burr because using the steps of “and one or more slave devices that are bonded to the master device by successful execution of the bonding application code, wherein the one or more slave devices capture media files and communicate the captured media files to one or more devices that include a processor and a computer program product comprising a computer-readable medium and computer-readable program instructions stored therein with the computer-readable program instructions comprising a media file collection application code for communicating the collection of media files to one or more devices” would have given those skilled in the art the tools to improve the invention by communicate

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with other devices on a wireless network. This gives the user the advantage of being able to share data with other users.

As per claim 36, Grosvenor teaches
the one or more devices that include processors that execute a media file collection application code include the master device. (paragraph [0067])

As per claim 37, Grosvenor teaches
the media file collection application code is further configured for categorizing the media files in relation to the media file metadata information. (paragraph [0060])

As per claim 38, Grosvenor teaches
the media file collection application code is further configured for assembling the media files in a master media file. (paragraph [0067])

As per claim 39, Grosvenor teaches
the media file collection application code is further configured for communicating the collection of media files mast to one or more of the slave devices. (paragraph [0073])

As per claim 40, Grosvenor teaches

the media file collection application code is further configured for communicating the collection of media files to one or more non-bonded devices. (paragraph [0073])

As per claim 41, Grosvenor teaches

the media file collection application code is further configured for combining metadata related to the captured media files to form a master metadata file. (paragraph [0069])

As per claim 42, Grosvenor teaches

the master device communicates file transfer parameters to the one or more slave devices. (paragraph [0094])

As per claim 43, Grosvenor teaches

the master device communicates file transfer parameters to the one or more slave devices and the file transfer parameters include a device address of a device having a processor that executes a media file collection application code. (paragraph [0073])

As per claim 44, Grosvenor teaches

the master device communicates file transfer parameters to the one or more slave devices and the file transfer parameters include definition of at least one item of the media file metadata information. (paragraph [0075])

As per claim 45, Grosvenor teaches

the one or more slave devices capture media files and communicate, according to the file transfer parameters, the captured media files to one or more devices having processors that execute a media file collection application code. (paragraph [0074])

As per claim 46, Grosvenor teaches

the master device further comprises a media capture device that captures media files having associated media file metadata information. (paragraph [0067]-[0068])

As per claim 47, Grosvenor teaches

the master device further comprises a display and wherein the computer-readable program instructions further comprise a grouping application code, the grouping application code is executed by the processor and provides for display of a group mode menu structure that allows a device user to define a group event. (paragraph [0057])

As per claim 48, Grosvenor teaches

the grouping application code further provides for creation of a group file related to the group event, the group file provides storage for media files associated with the event. (paragraph [0057])

As per claim 49, Grosvenor teaches

the grouping application code further provides for display of a group mode menu structure that allows a device user to communicate stored media files and media file metadata information to one or more bonded devices. (paragraph [0057])

As per claim 50, Grosvenor teaches

the grouping application code further provides for display of a group mode menu structure that allows a device user to select an automatic communication mode that automatically communicates, upon capture, media files and media file metadata information to one or more bonded devices. (paragraph [0057])

As per claim 51, Grosvenor teaches

the one or more slave devices communicate the captured media files to one or more devices by wireless communication chosen from the group consisting of Bluetooth, wireless local area network (WLAN), radio frequency identification (RFID) and wireless telecom network. (paragraph [0062])

As per claim 52, Grosvenor teaches

A system for communicating media files and assembling a collection of media files, the system comprising: (see abstract and background)

a master device that provides bonding capability; (repository, paragraph [0067])

a media file collection device in communication with the master device; (camera, paragraph [0067])

and one or more slave devices that bond with the master device and communicate with the master device during a bond period, wherein the slave devices capture media files during the bond period and communicate the captured media files and associated media file metadata to the media file collection device (cameras take and transfer photographs to repository with time taken, paragraphs [0066]-[0067])

wherein the media file collection device comprises a computer readable storage medium having computer-readable program instructions embodied in the medium, the computer-readable program instructions include instructions for combining a plurality of media files communicated from the one or more slave devices to form a collection of media files associated with the bond period, (repository, paragraph [0067])

Grosvenor does not explicitly indicate “and instructions for communicating at least a portion of the combined plurality of media files to a device based on sharing information parameters”.

However, Burr discloses “and instructions for communicating at least a portion of the combined plurality of media files to a device based on sharing information parameters” (devices connect through intervening devices and share data, paragraphs [0029],[0032]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Grosvenor and Burr because using the steps of “and instructions for communicating at least a portion of the combined plurality of media files

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to a device based on sharing information parameters" would have given those skilled in the art the tools to improve the invention by communicate with other devices on a wireless network. This gives the user the advantage of being able to share data with other users.

As per claim 53, Grosvenor teaches

the master device comprises the media file collection device. (paragraph [0067])

As per claim 55, Grosvenor teaches

an intermediary device that comprises the media file collection device.

(paragraph [0072])

As per claim 57, Grosvenor teaches

the one or more slave devices communicate the captured media files and associated media file metadata to the master device, which in turn communicates the captured media files and associated media file metadata to the media file collection device embodied in the intermediary device. (paragraph [0072])

As per claim 58, Grosvenor teaches

correlating the media file metadata. (paragraph [0082]-[0083])

As per claim 59, Grosvenor teaches

correlating the media file metadata and calendar event metadata. (paragraph [0064])

As per claim 60, Grosvenor teaches
combining the media file metadata to form a master metadata file related to the media files captured during the bond period. (paragraph [0067])

As per claim 61, Grosvenor teaches
adding additional metadata to the master metadata file. (paragraph [0069])

As per claim 62, Grosvenor teaches
adding additional metadata to the master metadata file, the additional metadata chosen from the group consisting of bookmark metadata, annotation metadata and comment metadata. (paragraph [0067]-[0068])

As per claim 63, Grosvenor teaches
communicating at least a portion of the combined plurality of media files to a device based on sharing information parameters includes instructions for communicating the collection of media files to one or more of the slave devices. (paragraph [0093]-[0099])

As per claim 64, Grosvenor teaches

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communicating at least a portion of the combined plurality of media files to a device based on sharing information parameters includes instructions for communicating the collection of media files to one or more non-bonded devices. (paragraph [0073])

As per claim 65, Grosvenor teaches the one or more slave devices bond with the master device by a wireless communication medium chosen from the group consisting of Bluetooth, wireless local area network (WLAN), radio frequency identification (RFID) and wireless telecom network. (paragraph [0062])

As per claim 66, Grosvenor teaches the one or more slave devices communicate the sharing information parameters to the master device. (paragraph [0076])

As per claim 67, Grosvenor teaches the one or more slave devices communicate the sharing information parameters to the master device, which in turn communicates the sharing information parameters to the intermediary device. (paragraph [0072])

As per claim 68, Grosvenor teaches

communicating the collection of media files to one or more devices include instructions for communicating the collection of media files based on sharing information parameters received from the one or more slave devices or from the master device.
(paragraph [0072])

(10) Response to Argument

With respect to Applicants arguments regarding the outstanding 35 U.S.C. 101 rejections of claims 14-33, it is respectfully submitted that the claims are non-statutory.

Regarding claims 14-33, the Applicant argues that claims 14 and 24 are tangible because they communicate information from a master device to a bonded device. It is respectfully submitted, however, that the aforementioned claims do not store the information in any way whatsoever. The limitations described by the Applicant as producing a tangible result are as follows:

“communicating, from the master device to the bonded device, media file transfer parameters, including definition of the media file metadata that is to be included with a captured media file.” (claim 14)

“communicating a plurality of media files from the one or more bonded devices to the master device, the plurality of media files having metadata information as defined by the predetermined media file transfer parameters.” (claim 24)

While it is common to raise a 35 U.S.C. 101 issue when information is not explicitly stored to a non-volatile medium, in this situation the information is not even stored at the respective destination device, it is just communicated to the device. It is respectfully submitted that simply communicating information from one device to

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another is not tangible without something being done with the information, such as displaying it for a user to storing it to some type of medium.

With respect to the outstanding 35 U.S.C. 102(e) rejections relating to claims 14-23, Applicants argue that Grosvenor et al. ('Grosvenor' hereinafter) (Publication Number 20030021591) does not teach "communicating, from the master device to the bonded device, media file transfer parameters". Applicant further argues that Grosvenor transfers the media transfer parameters from someplace other than the repository and that the repository is not equivalent to the claimed master device. The claimed limitation from claim 14 is as follows:

"communicating, from the master device to the bonded device, media file transfer parameters, including definition of the media file metadata that is to be included with a captured media file." (instant application, claim 14)

Careful reading of this part of the claim shows that it is only the "media file transfer parameters" that are communicated from the master device to the bonding device. Respectfully, Applicants argument makes reference to the repository but the claim does not have any mention of images being deposited or any other language that would indicate that the master device he teaches even acts as a repository. The claim is simply dealing with the communication of transfer *parameters* and no actual image data. Respectfully, after realizing this problem with the Applicants argument, it is not hard to understand that since the master device is in no way indicated to be the repository of image data then the transfer parameters coming from the master device do not require that the destination of any image data be the master device. In fact a master device

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could be interpreted to be any device that contains the transfer parameters, which can be communicated to a bonded device, but this master device does not necessarily have to be the repository of the actual image data since no image data is transferred in the claim in question. Turning our attention to the Grosvenor reference, the following is taught:

“As mentioned above and as shown in FIG. 2, in the preferred embodiment of the invention the synchronisation event comprises the first user's camera 20 generating a synchronisation signal that is transmitted to the cameras 22 of the other users present at the event who intend to share their pictures. The signal includes a synchronisation code, which contains an address code (e.g. a web address) pertaining to the identity and/or location of the repository database, so that each of the synchronised cameras has knowledge of where the pictures are to be sent for sharing, and also the Event ID by which the photographs can be classified in the database repository.” (paragraph [0059])

In this citation, it is clear that the claimed media transfer parameters are taught by the synchronization code by Grosvenor, and the definition of media file metadata to be included in the captured media file is the Gosvenor event ID. Notice that the language in the claim reads that the “media file metadata that is *to be* included”, which indicates that *when* the image data is transferred, then the required metadata is to be transferred and in no way indicates that image data is actually transferred. This is simply part of the transfer parameters.

Applicant further argues that Grosvenor does not teach the remaining limitations in claim 14, or:

“monitoring, at a master device, an area of interest for the presence of potential bondable devices;
receiving, at the master device, a presence signal from a potential bondable device;
determining bond capability of the potential bondable device;

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approving the potential bondable device as a bonded device” (instant application, claim 14)

The first step, monitoring an area of interest at the master device, is taught by Grosvenor as shown in the following citation:

“The camera is prepared to accept input to cause it to undergo a synchronisation event, which would result in the camera being synchronised with other compatible cameras present at the event, and ultimately the users’ collective photographs being made available for sharing via the repository provided in accordance with the present invention. In a preferred embodiment of the invention this synchronisation event would be initiated by this first camera itself, although it may alternatively be generated by a third party such as the management of the football stadium or theme park at which the common event is taking place. Remote third party initiation of the synchronisation event is preferred if the individual photographers are unlikely or unable to meet up in person, for example, at a large football match or a concert.” (paragraph [0055])

From this citation, it is clear that an area of interest such as a football match or concert is the location where cameras are “prepared to accept input”, which reads on the claimed monitoring an area of interest. As shown in previous arguments, the master device can be interpreted to be those with the synchronization information.

The next steps, receiving a presence signal from a potential bondable device and determining bond capability of the device, is found in the following citation:

“The Event ID may be created with the prior knowledge of the users of the compatible cameras with whom the first user intends to synchronise his camera and ultimately to share his photographs, or may be initiated with a view to the others subsequently synchronising their cameras with his.” (paragraph [0056])

This paragraph specifies compatible cameras, which clearly teaches the claimed potential bondable device and the capabilities of such device.

The final step, approving the potential bondable device, occurs in the synchronization step. Although the synchronization alone is being interpreted as enough to teach the approval step, this Grosvenor citation helps to further disclose the step:

“Since the cameras to be synchronised are usually co-located, a mechanism of protecting this channel may be devised which involves some user intervention--for example, the cameras may provide a mechanism whereby people who are about to synchronise their cameras agree a password that could be used to protect the communication channel.” (paragraph [0116])

This citation clearly shows that there is an approval step for potential bondable devices, therefore teaching the claimed step. The Grosvenor reference therefore teaches all the limitations of claim 14, in reference to the arguments presented.

With respect to the outstanding 35 U.S.C. 103(e) rejections relating to claim 1, Applicants argue that Grosvenor et al. (Grosvenor hereinafter) (Publication Number 20030021591) in view of Burr (Publication Number 2004/0203797) does not teach “a digital device receiving sharing information from a bonded device, the sharing information providing information about how to share collected media files with the bonded device”. It is respectfully submitted that Burr teaches the sharing of information about devices with other devices:

“When synchronization occurs, in addition to the devices sharing with each other information about itself, the devices may share with each other knowledge about other devices.” (paragraph [0044])

“The information/status transferred between devices may be scheduled and delivered based upon the mutual determination of the two devices that form each device pair. For example, the information may include the latency or speed of delivery, buffering information, error correction information, connection information (e.g., connection-oriented or connection-less service) is determined

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by the device pairs at their initial interrogation, and may have been subsequently revised based on changing device or network status.” (paragraph [0052])

This sharing of information defines how to share the information between the bonded devices, and therefore Burr teaches the limitation in question.

Applicant also argues that Grosvenor in view of Burr does not teach “bonding one or more slave devices to a master device according to predetermined media file transfer parameters communicated to the slave device from the master device”, as disclosed in claim 24. It is respectfully submitted that, although Grosvenor teaches the transfer parameters as shown in the answer to claim 14 arguments above, to be clear about the bonding of slave to master according to parameters the Burr reference was added. In answer to the argument, Burr teaches the bonding of the devices as shown in paragraph [0052], which is cited above. It is clear from this citation that the master and slave devices are bonded according to transfer parameters regarding connection information. Therefore Burr teaches the limitation.

Applicant also argues that Grosvenor in view of Burr does not teach “a master device receiving and compiling media files and/or associated metadata and then sending the compilation to bonded slave devices or to other non-bonded devices”, as disclosed in claims 31 and 34. In explanation, the exact limitations are both worded somewhat differently than what is argued by the applicant, but it is respectfully submitted that Burr teaches the bonding of the remote devices or devices together and the transfer parameters as shown in the answer to arguments 1 and 24, above. The

receiving and compiling of media files and/or associated metadata is accomplished by

Grosvenor in the following citation:

“As alluded to above in the context of tagging a photograph with the time at which it was taken, it is advantageous for the digital camera to assign a reference code to each of the photographs that has been taken. This code is transmitted with the photograph to the repository. In the preferred embodiment of the invention, the time of taking a photograph is included in its picture reference code. Camera-specific information to enable the identification of the camera (and hence the photographer) that took each photograph is also advantageously included. This information is then utilised by the repository to catalogue the pictures taken at the common event, and also to allow users, on accessing the repository, to view the pictures taken in chronological sequence irrespective of the photographer, or in terms of the identity of the photographer, or in a sequence dependent on both these parameters.” (paragraph [0067])

From this citation it is clear the photographs received by the repository are catalogued (reads on compiled) using the metadata identifying the event or photographer. Therefore, through combination of the Burr and Grosvenor references, the claim is taught.

Applicant also argues that Grosvenor in view of Burr does not teach “compiling a plurality of media files at a device and communicating the compilation of media files to another device based on sharing information parameters”, as disclosed in claim 52. Again, the exact limitations are both worded somewhat differently than what is argued by the applicant, but in answer please refer to the previous answer to argument to claims 31 and 34 regarding the application of references. Therefore, through combination of the Burr and Grosvenor references, the claim is taught.

Conclusion:

The references cited disclose the claimed media file sharing between remote devices. In light of the forgoing arguments, the examiner respectfully requests the honorable Board of Appeals and Interferences to sustain the rejection.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

Respectfully submitted,

/Jay Morrison/

Jay Morrison, Assistant Examiner, AU 2168

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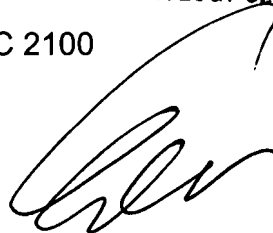
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